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Individuals who are representing themselves in a legal matter, known as pro se litigants, are increasingly common. Several of these individuals have no experience with the legal system, and having easily accessible areas where these individuals can conduct this legal research and access the resources they need is crucial. However, since the closing of the county courthouse libraries, North Carolina is unique in that it is a state that has no public law libraries, which are designed to solely serve the needs of the public. While there are public libraries and academic law libraries that the public can access, neither of these institutions are equipped to help pro se patrons in the way that a public law library would. This study explores how North Carolina is currently meeting the needs of pro se patrons and identifies gaps in service to these patrons generally and how they can be better met.

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PURSuing PRO SE LITIGANTS IN NORTH CAROLINA: HOW THEY ACCESS
LEGAL INFORMATION AND HOW LIBRARIES CAN DO MORE

by
Jasmine N. Plott

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Nick Sexton

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Introduction

As far back as the 1960s, and even into the 1990s and 2000s, the number of people who are going pro se, literally “on one’s own behalf” or the term for those representing themselves in court, has been steadily increasing (Begg, 1976; Hall, 2008; Schroeder, 2010). Based on this upward trend, it is safe to say that pro se litigation will continue to constitute a significant portion of courts’ dockets well into the twenty-first century (VanWormer, 2007). However, many of these litigants know little about the inner workings of the law and the legal system, which makes them ill-equipped to deal with the complex environment of a court system. Indeed, most pro se litigants are unable to ever reach trial because they fail to file a procedural motion by the deadline, of which they were either unaware or thought was flexible (Buxton, 2002; VanWormer, 2007).

In addition to meeting the deadlines required for them to make it to trial, these litigants also have to surpass the first, and perhaps most daunting, hurdle of conducting their own legal research to be able to represent themselves in court. Legal research presents a plethora of challenges for these litigants that includes availability of law libraries in their vicinity, access to pertinent legal research materials, adequate assistance that cannot constitute an unauthorized practice of law, and negatively slanted public

perceptions (Branting, 2000; Hale-Janeke & Blackburn, 2008; Sampson, 2007; Schroeder, 2010). Due to these challenges, many pro se litigants who were once so determined to bring a lawsuit abandon their task because the legal research is too challenging, they do not know how to access the resources that they need in order to file their suit, or they do not have enough assistance to accomplish their task. (Williams, 2013).

Law libraries are often the places that these pro se litigants turn to for assistance in their legal research, since they provide a variety of readily available materials and a librarian who can help them (Hale-Janeke & Blackburn, 2008). However, law librarians are restricted in the help that they can provide to these patrons, since to provide legal advice, which is what an individual should do as opposed to legal information which is general statements regarding the law, would constitute an unauthorized practice of law (Richmond, 2003). Many law librarians fear a lawsuit for the unauthorized practice of law despite the fact that such a lawsuit has not been brought to date (Richmond, 2003; Schroeder, 2010).

Furthermore, there is a stigma that has been pervasive in the law librarianship regarding pro se patrons (Hale-Janeke, 2008; Schroeder, 2010). To state this stigma most acutely, a quote from former Justice Blackmun is most fitting: “A man who is his own lawyer has a fool for a client” (*Faretta v. California*, 422 U.S. 806, 852 (1975) (Blackmun, dissenting)). Despite the more than forty years that have passed since Blackmun wrote this dissent, this quote still shapes how pro se litigants are perceived by the public at large today. However, many pro se litigants are actually “intelligent, self-

reliant people who because of varying circumstances choose to represent themselves rather than hire an attorney.” (Hale-Janeke & Blackburn, 2008, p.84).

1.1 Background

There are several reasons why individuals decide to represent themselves pro se. Dating back to its origins, the primary reason that people represent themselves in court today is because of a lack of financial resources (Begg, 1976; Branting, 2000; Richmond, 2013; Schroeder, 2010). For many pro se litigants, they simply do not have the resources to afford an attorney, or obtaining legal representation would result in paying fees that are oftentimes hundreds of dollars an hour for a matter that could drag on for months or years (Richmond, 2013). In fact, a number of families cannot take any action; more specifically, 38% of low-income families and 26% of moderate income families are precluded from representing themselves (Buxton, 2002). Schroeder sums up this point succinctly: “Unrepresented litigants now also include many in the middle class and small business owners who unexpectedly find themselves in distress and without sufficient resources to pay for the legal assistance they need.” (Schroeder, 2010, p. 25). This quotation demonstrates two things: (1) how the image of the “typical” pro se litigant is not as typical as it might once have seemed; and (2) a majority of society’s socioeconomic class is in need of some form of legal representation but is without it.

In addition to financial concerns, people tend to represent themselves because of changes in the law that have led to simplified procedures and processes such that individuals can take control of their cases fairly easily (Begg, 1976; Hale-Janeke & Blackburn, 2008; VanWormer, 2007). For instance, divorce cases and small claims court

cases, two of the most common cases where pro se litigants appear, have readily available forms that do not require much further legal research or help from a law librarian (VanWormer, 2007). As a result of the availability of forms and legal information surrounding these types of cases, many individuals feel a sense of empowerment that motivates them to go pro se (Hale-Janeke & Blackburn, 2008).

A sense of distrust towards attorneys and the legal system in general is also another reason that some individuals might choose to go pro se (Begg, 1976; Schroeder, 2010). The people who most often feel this way tend to fall into one of two categories: (1) conspiracy theorists or (2) individuals from vulnerable populations whose history with the legal system has not been a positive one. As for the conspiracy theorists, these individuals usually have multiple, ongoing lawsuits with an idea that they are going to beat the system that is “out to get them.” (Begg, 1976). These type of litigants present their own unique challenges.

Individuals from vulnerable populations have a more complex history, as the reason for their distrust of the legal system is understandably justified given the systemic structures of inequality for those of lower socio-economic status, people of color, and other minority populations in the court (Schroeder, 2010). The “Access to Justice” and “Equal Access to Justice” movements have been geared towards these individuals in particular, as they are the ones who experience the brunt of limited access to resources for them to conduct legal research and other means necessary for fulfilling their obligations to the court (Sampson, 2007; VanWormer, 2007). This particular type of pro se litigant is of particular interest for this type of research.

Having a solid understanding of the history surrounding pro se litigants and the variety of complexities that they face is crucial to understanding why it is so necessary to ensure that there are legal resources and limited guidance in legal research readily available for these individuals. While libraries' perceptions and interactions with pro se litigants have changed over time, there is still ample room for growth (Buxton, 2002). Early perceptions of pro se patrons saw them as "draining on the library's resources" and the best way to resolve any problems with these patrons was "to exclude these patrons from the library" (Begg, 1976, p.31). Even in the early 2000s, some libraries assigned pro se patrons "tertiary status," which they defined as "those patrons to whom assistance is not owed by virtue of contract or statutory duty and who may or may not be able to judge quality of assistance rendered." (Richmond, 2013, p. 81). These quotations evoke sincere disappointment in the method of service provided by law librarians.

However, the slowly growing perception of pro se litigants in present day is beginning to recognize and garner more appreciation for these pro se patrons and their determination (Hall, 2008; Hale-Janeke & Blackburn, 2008; Schroeder, 2010). After surveying a variety of law libraries and how they interacted with their patrons, VanWormer examined the three major types of assistance that law libraries provide to patrons, which are: (1) institutional assistance programs, such as self-help resources like "do-it-yourself packets"; (2) unbundled legal services, which allow attorneys to provide limited legal assistance to litigants that includes conducting legal research; and (3) internet sources of pro se assistance, such as the Legal Information Institute and FindLaw (VanWormer, 2007). While these resources are immensely effective to the pro se patrons that they serve, they are provided on a limited basis and are not made available to all

parties that need it. This is part of the reason why there need to be more active measures made to fill the gaps in legal research for pro se patrons.

In fact, many libraries are working on implementing programs that allow them to better accommodate these patrons in an efficient, effective manner. For instance, Sampson's article discusses how providing e-resources of popular legal materials has been an effective strategy for serving pro se patrons, since they do not have to worry about other users using the resource that they need or the resource being stolen (Sampson, 2007). Another popular method of increasing access for pro se patrons includes facilitating outreach and education programs that emphasize teaching how to conduct legal research and finding resources (Hale-Janeke & Blackburn, 2008). Producing packets of forms created by Legal Aid that provide general summaries or even creating computer-assisted programs that answer commonly asked questions and provide a walkthrough process for these pro se litigants can be quite helpful (Branting, 2000; Williams, 2013).

1.2 Research Questions Explored and Justification

Although there are a variety of programs being offered by libraries to meet the needs of these patrons, simply put, they are not enough to meet the needs of the rapidly growing population of pro se litigants. This is particularly true for a state like North Carolina where there are no public law libraries, so pro se litigants often need to seek out assistance for their legal research from public libraries or struggle to navigate an academic law library that is open to the public.

Exactly for these reasons, this is why it is crucial to do an overview of what legal resources and legal research assistance are available to pro se litigants within these types of libraries in North Carolina. Thus, this paper addresses the following two research questions:

1. As North Carolina has no public law libraries, which are a main source of legal research for patrons, how is the state enacting policies in its law libraries that meet the needs of pro se patrons?
2. What gaps are there in researching legal information that could be filled for pro se litigants?

Literature Review

1.1 An Overview

Overall, the literature generally demonstrates that there is a lot of discussion regarding pro se litigants, and there are some definite “norms” about how these patrons are viewed and treated in the field of law librarianship. While the pro se litigants initially started out with a rocky relationship in the area of librarianship, there is now a widespread trend to encourage making increasing accommodations for these patrons and help fill the gap in access to justice. Although some libraries have adopted strategies for better meeting these patrons’ needs and incorporating more inclusive practices into their libraries, many libraries are still struggling to fully meet these patrons’ needs.

The main area where this author identified gaps in the literature was delving into state-specific information about pro se litigants and law library services provided for this particular population. In the context of this study, this author intends to focus on North Carolina law library policies because this state does not have public law libraries, which are an essential place of research for pro se litigants in most states. However, after performing in-depth searches this author was unable to find any material at all about studies or programs conducted in North Carolina to meet the needs of pro se litigants.

This does not mean that such studies have never been done, but it highlights two things: (1) as North Carolina has no public law libraries, which are a main source of legal research for patrons, how is the state enacting policies in its law libraries that meet the needs of pro se patrons, and (2) what gaps are there that need to be filled? This literature review will address the discussion surrounding pro se patrons and their history, why

certain individuals tend to go pro se, the justification behind certain pro se patrons, how attitudes towards pro se patrons have evolved through time, and examples of different studies and adaptations that libraries have tried over time to best accommodate these patrons.

1.2 Evolution of the Right to Represent Pro Se

The right to represent oneself in court did not always mean what it does today. Although this author found several articles in a literature search that provided general background on the Constitutional right to self-represent in court—which will be addressed momentarily—there was one article that was particularly insightful. Tiffany Buxton’s 2002 article titled “Foreign Solutions to the U.S. Pro Se Phenomenon” provided the most comprehensive history about why pro se representation is such a fundamental part of the American legal system today.

As with the rest of United States history, America’s judicial system has its roots planted in the common-law, also known as judge-made law, of Great Britain (Buxton 2002). The Magna Carta stated the following principle which served as the guide for the United States constitutional guarantees of due process and equal protection: “To no one will we sell, to no one will we refuse, or delay, right or justice.” (Magna Carta, 1215). The idea of self-representation in Britain was centered on those who did not have the financial means to afford a lawyer to help represent themselves in court, and thus, this is how the term “in forma pauperis,” literally “in the character or manner of a pauper,” emerged. This term has slowly fallen out of use through time as “pro se,” or “on one’s behalf,” has been the term to replace this language. However, it is clear how, to this day,

the connotations of a lack of money and self-representation are associated with one another when the term *pro se* is used in conversation.

In Great Britain, Statute of 11 Henry VIII formally recognized the right for paupers to waive court fees and provided counsel if it could not be afforded, and other statutory measures, such as the Act of Parliament in 1535 “buttressed the rights of pauper plaintiffs to exempt them from paying a defendant’s court costs, even where they failed to prove their cases.” (Buxton 2002, p. 107). Despite these implementations though, in *forma pauperis* litigants had a limited right to cost-exempt status information.

This common-law precedent translated to the standards in the American colonies that tried to relieve the litigants of the financial constraints of court costs provided council could not be afforded. Only two of the thirteen colonies, Connecticut and Delaware, failed to provide any provisions for poor plaintiffs or defendants (Buxton, 2002). After the Constitution was created, its 6th and 14th Amendments allowed individuals in both state and federal courts the right to represent themselves in court as defendants for criminal cases (U.S. Const. amend. VI; U.S. Const. amend. XIV).

Provisions for self-representation in civil cases came later. In the Judiciary Act of 1789, which later underwent revision in 1948, *pro se* litigants were then permitted to represent themselves in federal court (28 U.S.C. § 1915). The right to represent oneself in a civil state court initially varied by state, but due to the holding of the court in *Hovey v. Elliott*, it was decided by the Supreme Court of the United States that “denial of hearing for a defendant’s failure to pay court-imposed costs during a civil suit violated the defendant’s right to due process,” which forbids depriving anyone of life, liberty, or property without a hearing first (U.S. Const. amend. XIV; *Hovey v. Elliot*, 167 U.S. 409

1897). Due to this holding, all states today allow pro se representation barring unusual circumstances (e.g., the defendant does not pass a test to show that they are competent to represent themselves), and North Carolina is no exception to this rule.

From the promulgation of this law embedded in the Constitution and state statutes, it is clear the right to representing oneself in court is firmly situated in the United States legal system. Surprisingly, even though the right to self-representation existed, not many people took advantage of this opportunity, simply because they did not have to (Buxton, 2002). A partial reason for this stems from the fact that people were more stationary and connected with their neighbors, which meant that they were able to resolve disputes more easily outside of the courtroom. Today's "mobile society" has led to an increase for resolving disputes in a legal setting instead.

1.2.1 Why People Go Pro Se

Even though it is the most common reason for why people choose to self-represent themselves in court, not every pro se litigant makes this choice because they cannot afford an attorney (Aycock, 2015). In one of the first articles about pro se litigants and libraries ever written, Richard Begg outlines the variety of reasons that people choose to go pro se that includes: (1) financial constraints; (2) they are "too cheap" to hire an attorney; (3) changes in the law have led to more independence in the legal system due to simplified process and procedures; (4) lack of trust in attorneys and the legal system; (5) conspiracy theorists; and (6) unrealistic understanding of the legal system due to popular culture and other means of disseminating the law (Begg 1976). Other reasons that people decide to represent themselves include the rise in the consumer

movement that has resulted in providing better resources for self-education, the rise of available resources through the Internet, the increase in literacy rates, and a sense of individual empowerment that has inspired some to take on these challenges of the legal system (Branting 2000; VanWormer 2007).

Just as there is no single reason that people choose to represent themselves in court, there is also not a “typical” type of person that represents the pro se litigant. As Hale-Janeke and Blackburn (2008) state: “[pro se litigants] come in all shapes and sizes, sexes, ages, nationalities, colors; but one thing is certain, every law library open to the public has experienced the pro se patron or eventually will” (Hale-Janeke & Blackburn 2008, p. 3). If a pro se litigant were to be made into an average, then according to a study by the American Judicature Society (AJS), the pro se patron is female between the ages of 18-34 with a high school education (Hall 2008). An article by Lee Sims from 2004 takes a broader approach to what makes an average pro se litigants by looking at comparisons between different groups (Sims 2004). According to Sims, there are five general assertions that tend to fit pro se litigants more often than not which state that: (1) individuals who are poorer are more likely to represent themselves in court; (2) individuals who are younger rather than older are more likely to represent themselves in court; (3) on average, most pro ses have 1-3 years of college education; (4) there is no correlation between an individual’s occupation and their willingness to represent themselves in court; and (5) people without children are more likely to represent themselves in court than those with children.

As this literature clearly demonstrates, there are a number of reasons people choose to self-represent in court, which, quite correctly, suggests that there are a large number of pro se litigants who need assistance conducting legal research.

1.2.2 The Rise of Pro Se Litigants in the late 1990s and early 2000s

Over the past decade, there has been a hefty increase in the number of individuals who choose to represent themselves in courts. In 2010, 26% of all lawsuits filed in the United States federal courts were pro se (Aycock, 2015). As for state courts, Branting (2010) details that 88% of domestic relations cases were representing one pro se part and 52% of those cases had both individuals representing themselves pro se (Branting, 2000). The message is clear that there are a growing number of cases that are being filed and represented pro se.

A major reason that so many people have been representing themselves pro se corresponds to America's economic downturn that was gradually building up and came to a head in the 2000s (Harrell, 2009; Williams, 2013). In 2008, when the economy took a turn for the worse, the category of unrepresented litigants expanded greatly as "unrepresented litigants now also include many in the middle class and small business owners who unexpectedly f[ound] themselves in distress and without sufficient resources to pay for the legal assistance they need" (Schroder, 2010, p. 25). Furthermore, although the rise of technology and financial innovations have brought excellent innovations, they have also brought about a greater need for legal services (Buxton, 2002).

However, the economy is not the only reason that there has been such an increase in pro se litigants. Another reason for this increase in self-representation in court stems

from the fact that there have been changes in the law that allow for individuals to more readily represent themselves alone (Hall, 2008). For example, some states allow “simple divorce” laws that allow just filling out a sheet with the appropriate information and submitting it to the court (VanWormer, 2007). Other areas of law that allow for ease of self-representation include: child custody, small claims court, landlord-tenant matters, protective orders, and various other civil matters (Hall, 2008).

Due to this increase in pro se litigants, many of who do not know how to do legal research, there is a high demand for availability of cost-effective and easy to comprehend legal resources that are helpful to pro se litigants when they are making their case for this class.

1.3 Interactions Between Law Libraries and Pro Se Litigants

As this literature review has demonstrated, pro se litigants are not going to go away any time soon. With the right to represent oneself embedded in American law and the other motivating factors that affect the public’s decisions, it is clear that pro se litigants are a feature that is to remain for some time (VanWormer, 2007). However, despite the fact that several individuals are increasingly representing themselves in court, this does not mean that an adequate system is in place for these individuals to effectively do so.

Cooper (2014) articulates that at least 80% of the legal needs of the poor and two-thirds of the legal needs of the middle class are currently being met by the legal justice system. Even more troubling is the fact that the United States is the twenty-first out of sixty-six countries that provides access to civil justice. Some have even gone so far as to

assert that the legal system is simply not designed to serve those without attorneys (Hall, 2008).

As the majority of pro se litigants have no prior experience with legal research, much of the help that they require comes from law libraries, be they public or public academic law libraries, and libraries need to be able to do the best that they can to meet these challenges (Schroeder, 2010). Unfortunately, pro se patrons have a complicated history with law librarians, and although it is getting better, this background still affects the way that pro ses and law librarians interact with one another to this day (Fitz-Gerald, 2003). Because of this history between the two parties, this often results in unsatisfactory outcomes for both parties (Hale-Janeke & Blackburn, 2008). To better understand these challenges today, an overview of the past is necessary.

1.3.1 Law Librarian Attitudes: Then and Now

Law librarians' perceptions towards pro se patrons have come a long way, and this is certainly for the better. In one of the first pieces of literature about interactions between pro se patrons and law librarians, the "best way" to deal with the problems that pro se patrons presented to the library was "to exclude these patrons from the library" (Begg, 1976, p. 31). For some time, views of pro se patrons in the library did not get much better and, in the early 2000s, it was not out of the norm to hear opinions such as the following statement: "Pro se litigants constitute a growing burden to the judiciary" (Buxton, 2002, p. 357).

Part of the reason for this unfavorable attitude towards pro se patrons stems from the history and culture of law libraries that seems to continually reflect an "outsider"

approach to anyone who is not a part of their community. Terry Fitz-Gerald (2003) nicely sums up this approach by stating three primary reasons that the law libraries and the librarians within them have such a perception towards the public: (1) law libraries have been the exclusive province of the Bar, which is the association that accepts lawyers into the profession upon passing a requisite exam; (2) law librarians fear the unauthorized practice of law; and (3) due to funding, efforts for serving patrons are on the “primary patrons” who are typically lawyers, judges, and law students rather than pro se patrons who reflect a “tertiary patron” status. Interestingly, even judges vary in their responses to pro se litigants, ranging from lenient to severely strict, and the public at large even views pro ses as hindrances to efficiency and slowing down the public process of the courts (VanWormer, 2007).

Though it has been gradual, the perception towards pro se patrons has been steadily changing through time to reflect a more accurate perception of this population. Hale-Janeke & Blackburn (2008) articulate the more “usual” description of pro se litigants as “intelligent, self-reliant people who because of varying circumstances choose to represent themselves rather than hire an attorney” (Hale-Janeke & Blackburn, 2008, p. 84). Furthermore, more librarians are advocating for not focusing on the frustrating side of the public and, instead, looking to strategies that allow more adaption to meet this ever-growing population of users (Fitz-Gerald, 2013). There is also an increasing emphasis that law library staff shift their view of public patrons in general to view them not as “secondary users” but to accept these users and to develop new ways to ultimately adapt to their needs (Reis, 2010).

This shift in attitude is still a work in progress, but understanding why pro se users might be reluctant to approach law librarians for assistance or even follow through with their research is best understood when viewed with this historical lens in mind.

1.3.2 Obstacles Law Librarians Face in Providing Services to Pro Se Patrons

Even though the attitudes towards pro se patrons have been gradually growing more favorable over time, there are still two existing issues that make it difficult for law librarians to provide services to patrons: (1) the fear of being sued for legal malpractice and (2) the fear of losing their job due to an unauthorized practice of law. These issues are closely intertwined, since legal malpractice is when an attorney misinterprets the law and subsequently causes harm to their client, while the unauthorized practice of law (UPL) is when someone who is not licensed or is not in an attorney-client relationship provides legal advice.

However, the concerns of a law librarian accidentally stepping into either of these territories is completely unsubstantiated (Healey, 1998). In regards to legal malpractice, this would only affect someone who had a law degree in addition to their library science degree and was in an attorney-client relationship with the patron (Harrell, 2009).

Although there is no clear definition of what constitutes an attorney-client relationship, this would not be likely to happen in the context of a reference interview in a law library, since the librarian is not acting in the capacity of a lawyer and would not be in a position to act in a way that would indicate they were the person responsible for the patron's case.

For the matter of UPL, the theory of how these fears came about is that Allan Angoff instigated the fear when he suggested that a law librarian had been providing

what they thought was legal information, and thus lawful, when in reality, they had been participating in UPL and were sued because of it (Angoff 1976; Harrell 2009).

Fortunately, there has been an abundance of literature spanning across several decades indicating that there has never once been an instance of a law librarian being sued for a UPL (Begg, 1976; Healey, 2008). For the law librarians who still remain afraid of breaching UPL, several articles recommend that as long as a law librarian helps a pro se patron within the context of their “normal reference activities,” then they will not come close to this breach (Aycock, 2015). Examples of normal reference activities include: (1) helping patrons find sources; (2) explaining the format or use of sources; (3) defining legal terms; (4) interpreting citations; and (5) providing consultations on the research process. To make the point even clearer, to avoid UPL the librarian “does not read, analyze, interpret, or apply a decision to the patron’s personal situation” (Arant & Carpenter, 1999, pg. 236).

After understanding the fears that law librarians have when they are confronted with a pro se patron and seeing how there have been no instances of consequences emerging from these fears over the decades, it is clear that in order for law librarians to be of utmost service to patrons that they need to let these fears be put to rest.

1.4 Where the Pro Se Litigants Roam

For most pro se litigants, the library is where they go to conduct legal research. As Richmond (2003) states: “Pro ses affect every law library that doesn’t exclude the public” (p. 75). This statement is true to an extent, but not all locations have the same types of libraries and legal resources available to the public. For instance, rural locations pose

particular challenges for pro se litigants, since there are a finite number of resources that allow access to lawyers, courts, and generally having their legal needs met (Pruitt & Showman, 2014). Thus, geographical locations of law libraries influence the types of patrons that they do, and do not, have cross their doors (Reis, 2010).

For a state like North Carolina that does not have a public law library and is restricted to only academic public law libraries, like the one at the University of North Carolina at Chapel Hill's School of Law, private law libraries, like Duke's School of Law, or public libraries, like the Chapel Hill Public Library, this limits the options that patrons have in conducting legal research. For a better understanding of the relationship between pro se litigants and different types of libraries, it is necessary to have a thorough understanding of the history of relationships that these litigants have with both public libraries and academic libraries overall.

1.4.1 Public Libraries and Public Law Libraries

Public and other forms of government-funded libraries that are available to the public exist, but their distribution "has been uneven, without a pattern or standards, not only on a State-to-State basis but county-to-county basis" (Jurkins, 1969, pg. 140). This reinforces the aforementioned point that while location can be tricky for law libraries, it is most problematic for libraries that are open to the public due to their funding sources.

The difference between public libraries and public law libraries is that, as their names might suggest, public libraries are more focused on servicing the community at large, while public law libraries are dedicated to providing services to patrons in a legal context (Brock, 1974). Because of this distinction, public law libraries are more likely to

have better access to legal materials than a public library, which might only have primary sources that simply state the law rather than providing explanations (Hale-Janeke & Blackburn, 2008). This specialization of a public law library can be a great advantage to someone who knows little about conducting legal research, like a pro se patron.

However, since North Carolina has no public law libraries, the content in this literature review will focus primarily on the types of services that are offered by public libraries to pro se litigants.

While public libraries are not as specialized as public law libraries, they do their best to accommodate pro se litigants and others interested in legal information through a variety of services that meet the public's materials. Creating forms and self-help packets of materials seem to be a primary method of service for helping pro se patrons, since most of the time, librarians at public libraries have little, if any knowledge, about how to conduct legal research (Levine, 2008). Some have even gone so far as to suggest that librarians at local public libraries be granted limited law practice license (Cooper, 2014). Community partnerships have also proven to be highly effective means of outreach, such as Idaho's Courthouse Assistance Program (Funabiki, 2012). This particular program involves a collaboration between the courthouse, local legal aid societies, and the libraries to work together to meet the needs of pro se patrons by providing them with forms, brochures, and FAQ sheets to help the public evaluate these needs.

Despite the fact that they typically do not have staff who specialize in law or legal research, the programs that public libraries offer to patrons are experimental, and in particular, the programs that work with other partners in the community are an effective means of meeting these needs.

1.4.2 Public and Private Academic Law Libraries

The most common constituents for academic law libraries are law faculty, law students, attorneys, and members of the public (Parks, 2012). Traditionally, law libraries available at academic institutions have prioritized faculty and students, while ranking the general public and pro se patrons as a low priority to the overall mission of the library (Reis, 2010). To an extent, this prioritization has been relaxed in public academic law libraries but not so much in private academic law libraries, as only four out of twenty-five private law schools are open to the public.

However, as an overall trend, academic law libraries are increasing how available they choose to make their services to the public as a part of the Access to Justice movement, which strives to create open and free access to legal information to ensure equitable treatment within the justice system (Berns & Vogel, 2015). Another factor of this expansion is attributable to the Ethical Principles outlined in the Association of Academic Law Libraries principles that encourages “educat[ing] users in cost-effective methods of legal research” (AALL Competencies of Law Librarianship, 2010). Despite this change in service model, the views about how academic law libraries should interact with pro se litigants and whether they should be assisted in the libraries is a divisive subject (Parks, 2012).

As academic law libraries have changed over the years, there has been a noticeable decrease in the number of public visitors and an increase in the number of online visitors (McLaughlin, 2017). Because of this preferred usage method, academic law librarians have been working to meet their users’ needs and provide more available resources online (Noel, 2015). Part of this shift to provide more resources online has

included providing clearer policies about what services law librarians do and do not provide to the public (Berns & Vogel, 2015).

1.5 Examples of Steps Law Libraries Are Taking to Accommodate Pro Se Patrons

In present day, it is clear that there is an increase in pro se litigants and a large gap in providing them the legal information and other tools that are necessary for them to represent themselves individually in court (Hall, 2008). Even resources such as Legal Service Programs, (which were created to help meet the needs of pro se individuals), mandatory pro bono hours, and self-help materials are not doing enough to fill the gaps that are necessary to help provide the services that these individuals need to be successful (Kim, 1987). However, this does not mean that there have not been successes in meeting the needs of pro se patrons. Looking through the current literature, there are a handful of programs, particularly in the public law library sphere, that have been helpful in meeting the needs of pro se litigants.

Miller (2012) details a statewide program that was implemented in Arkansas to accommodate the needs of pro se patrons across the globe. As compared to other programs that have been implemented across the states, this represents a fairly standard procedure of what resources are available to these litigants (Fitz-Gerald, 2003; Harrell, 2009; Levine, 2008; Sims, 2004). The primary resources available to these individuals include state judiciary, legislative, and executive agency websites (Miller, 2012). There are also Legal Services Partnerships that provide patrons free access to their online legal library that is organized by topic. For low-income Arkansas residents who meet the required guidelines, free legal assistance may be provided. Additional resources include

NOLO, a well-known producer of do-it-yourself, self-help legal materials, the Pro Se/Unbundling Center, and the FindLaw legal resource website. Although it was not specific to this study, some other commonly referenced legal resources include RocketLawyer and LegalZoom (Noel, 2015). To conduct their research, the pro se patrons can use any of the three law libraries in Arkansas; two of these are academic law libraries and the remaining one is a public law library.

Arkansas' set-up is most similar to the current set-up of law library availability in North Carolina. North Carolina has an abundance of legal websites that pro se litigants can visit, such as the North Carolina Courts website that provides a breakdown of county information, forms, and, for certain types of proceedings, e-filing (Local Rules and Forms, 2018). There are also websites for certain law libraries, such as the University of North Carolina at Chapel Hill School of Law's page for public users (Legal Assistance for the Public, 2018). However, one of the key resources that many states have and that most pro se patrons have come to rely on is a public law library that they can access without the restrictions that might accompany an academic law library or other means of legal assistance. As part of this study aims to explore the gaps that come from not having a public law library available to these types of patrons, more will be explored about this point later on, but this is a significant point and worthy of emphasis.

There are two other major studies that have been done to help make legal information readily available to pro se patrons. Lenahan (2013) describes a program implemented in New York City that was a part of the Access to Justice Movement. This program involved creating software that had specific programs containing Do-It-Yourself software for specific types of legal questions that needed to be resolved. The motivation

in creating this program was to provide “access to justice . . . for New Yorkers of all incomes, backgrounds, and special needs” (Lenahan, 2013, p. 16). Each program guides the user through their legal question, helps them pick out the form that most suits their needs, and then provides guidance while they work through the form. Currently, there are 10 programs that are specific to New York City, and there are 14 other programs that are available for statewide use. These programs do admittedly have drawbacks, such as the fact that not all forms are available on the website and the lengthy amount of time that they take to create. By far though, the benefits of these programs outweigh the drawbacks, since these programs are ones that pro se litigants can access anywhere at any time, through the library or at home.

A second program that has been successfully implemented in a public law library is called the Sacramento Civil Self Help Center (CSHC), and, as the name suggests, this program was implemented in California (Johnson, 2011). The need for such a program was recognized in the early 1990s, particularly to help with family law and small claims matters. As the years have gone by, and the number of pro se litigants has increased, it became more apparent that something needed to be done to help fill this gap, and as a result, the CSHC was created in 2008. Originally, this program was a combination of efforts between the local courthouse, the Bar Association, the Voluntary Legal Services Program (VLSP), and the local law library. Due to funding cuts, the housing of this program at the courthouse was no longer a viable option, and the program was moved into the law library. This happened to be one of the best decisions that the law library had faced up to this point.

The staff in the self-help center were combined with the staff of the law library to create the model of an all-in-one service that allowed patrons to first consult with the law librarians and then, depending on their needs, to go over to the self-help center that was located just a few feet away in the law library. This service model has shifted over the years so that the patrons are selected on a lottery basis and meet with a law librarian and paralegal to assess the pro se's situation in a 30- to 45-minute consultation. Today, this program is still one that is thriving and successfully meeting the needs of the self-representing litigants. One of the most beneficial aspects of this program is that it is easily accessible to the public, and it creates a two-in-one stop so that all the needs of these patrons can be combined into one.

Comparing New York's DIY forms program and California's CSHC to programs that are currently available in North Carolina, there is nothing quite like these programs that meets the needs of the pro se patrons. Part of this might be attributable to the fact that there is no public law library in North Carolina, so there is no location that can serve as the medium for this type of patron. However, it is clear that the implementation of programs such as these is something that needs to be explored.

1.6 Concluding Remarks

From this overview of the literature, it is clear that, as a whole, there is a high demand for pro se litigants to receive greater access and assistance in their endeavors to complete legal research for their cases. Because of their expertise with both legal information and legal research, law librarians are particularly well-suited to assisting in these types of problems. As law libraries and the law librarians within them have become

more willing to allow pro se patrons into their libraries and giving them a higher priority than they used to receive, the level of attention and assistance that these individuals have received has been something that has been increasing greatly through the years. The literature also highlights that public law libraries are the primary location where pro se litigants are able to get the most help with their quest for legal information, since these locations are typically open to the public and do not have the same access restrictions that academic law libraries do, regardless of whether they are public or private law libraries.

Thus, it is clear for a state like North Carolina that does not have a public law library, either independently or one that is attached to a county courthouse, that there are gaps in how the needs of pro se litigants are being met. It is entirely possible that these needs are being filled by programs offered by public libraries and academic law libraries in the state, but there has never been a study conducted to examine whether this is the case. To reiterate the two research questions that are highlighted at the beginning of this literature review, this article will be the first to address (1) as North Carolina has no public law libraries, which are a main source of legal research for patrons, how is the state enacting policies in its law libraries that meet the needs of pro se patrons, and (2) what gaps are there that need to be filled?

Methodology

Much of the scholarship surrounding pro se litigants entails an overview of how these individuals interact with law libraries, best practices for working with pro ses, programs implemented to better accommodate pro ses, and the perils of working with pro se litigants due to the fear of providing an unauthorized practice of law. This author could find no empirical studies about interactions with pro se litigants or, more specifically, pro se litigants in North Carolina. In fact, this author was also unable to find evidence of any other studies about the habits of pro se litigants or programs implemented in North Carolina and certainly no literature addressing that public law libraries are lacking in North Carolina.

Thus, this article will serve as an initial exploratory study to learn about the main sources of legal research for pro se litigants in North Carolina and how the gaps that would ordinarily be filled by a public law library are addressed. Online surveys were selected as the method to best carry out this study due to a couple of considerations. First, due to the sensitive nature of this topic and the history of librarian interactions with pro se patrons, this author felt that the respondents might feel more comfortable expressing their thoughts and experiences through an online survey as opposed to an in-person interview. Second, this author knew that this study would be conducted during the summer months, and in order to receive a greater number of responses, it would be easier for respondents to fit a 20- to 25-minute survey into their day rather than

scheduling an interview at a time that worked for both the author and the interviewee. Finally, an online survey was selected as the most appropriate method for this study because a survey could easily be shared with public and academic law librarians across all of North Carolina rather than a specific geographic area.

A Qualtrics survey template, a recruitment email and a general project description were submitted to the University of North Carolina at Chapel Hill Office of Human Research Ethics where it was determined that this study (#18-1523) was approved and found to be exempt.

To explore public librarian and academic law librarian perspectives, this author gathered a list of public librarian and academic law librarian email addresses through the North Carolina State Library Directory and university law library websites. For public librarians, heads of library branches were specifically targeted, since this was typically the sole contact information available for these individuals. For academic law librarians, librarians in public service positions were targeted, but email addresses were also collected for individuals in paraprofessional roles, such as circulation or library assistant positions, as it was likely these individuals had also interacted with pro se patrons due to the nature of their position.

After the list of potential contacts was created, the recruitment email (Appendix A) was sent to participants on June 20, 2018. This recruitment email requested that in addition to the recipient of the email taking the survey that the individual forward this email to additional individuals who might be interested and fit the criteria out-lined in the email. The survey sent to respondents (Appendix B) was crafted with public and

academic law librarians in mind as opposed to having a separate survey for each type of librarian.

At the beginning of the survey, participants were required to confirm that they were indeed librarians in North Carolina working as a public or academic law librarian. After that, the questions were primarily open-ended so as to allow the librarians to remark on their experiences working with pro se patrons, the current gaps in service to these patrons, and ways that North Carolina libraries could improve their services to pro se patrons in the future, and close-ended questions were used to guide the respondents to a specific topic. The only difference between the questions asked of public librarians as compared to academic law librarians was to gauge how concerned academic law librarians were about committing an unauthorized practice of law. The survey ran until June 29, 2018, and at that time, the Qualtrics survey closed. Thus, the survey ran for approximately 9 days total.

As mentioned briefly in the literature review and at the beginning of this section, the implications of this study are paramount. Never before has a study such as this been conducted in North Carolina, and never before has a study addressing the gaps that are present for pro se litigants in their research processes, particularly in a state that does not have a public law library, been conducted across the broader spectrum of literature. All this is true despite the wealth of literature regarding pro se litigants that abounds (Begg 1976; Kim 1987; Pettinato 2008; Vanwormer 2007).

The review of the aforementioned literature articulates most clearly the growing need to provide better access to legal resources and better assistance for helping pro se litigants make sense of the items that they come across in their legal research in order to

have a more equitable justice system. (Berns & Vogel 2015; Cooper 2015; McLaughlin 2017; Schroder 2010). Indeed, the number of pro se litigants has been growing rapidly over the years, and now, more than ever, there is a need to ensure that these individuals are able to access the materials that they need in order to adequately represent themselves in court (Aycock 2015; Harrell 2009; Williams 2013).

Based on the reasoning and history of pro se litigants and their interactions with law librarians, the methodology of this study is the best manner to adequately address these previously unstudied individuals.

Results and Discussion

This section of the paper will present the results from this study and discuss these findings in the broader context of pro se patron needs being met in North Carolina.

Of the 13 total responses, 1 came from a public librarian, and the 12 remaining responses came from academic law librarians. Because of this participation breakdown, it is clear that there should have been more targeted recruitment efforts directed towards public librarians, and this does present a drawback for the analysis of the results from this study. However, this response distribution does lay an excellent groundwork for future studies in this area.

Because the responses are so skewed towards those of academic law librarians, much of this analysis will focus on their responses and the themes identified from those results, but the public librarian's response will be addressed briefly as well.

1.1 Public Librarian

The one public librarian that responded to this survey was from Wake County Public Libraries. They reported that there was no official library policy for working with pro se patrons and indicated that they had worked with a pro se patron before. However, the regularity with which they worked with this type of patron was not often, and they were sometimes able to meet the needs of these patrons. Their typical interactions with pro se patrons usually consisted of looking for specific forms or seeking information about filing those forms.

Available resources for pro se patrons at the Wake County Public Libraries include online databases, NOLO books (books that provide do-it-yourself information for certain legal matters), and references to government agencies. The types of online databases and government agencies that were mentioned in this response were not specified further. Additionally, this library does not have any current existing collaborations with other institutions, such as academic law libraries or the court systems, for working with pro se patrons.

The biggest gaps in the Wake County Public Library's services are that they are not legal experts and often cannot answer specific questions. Because the respondent did not know what a public law library was, they were unable to speak to how North Carolina's pro se patrons would have their legal needs better met if there was a public law library available in the state.

Being one individual's response makes it difficult to expand this response and compare it to the existing literature regarding pro se patrons. However, this response does illustrate a public librarian's understanding of service that other librarians might be able to provide because they indicated that they "often cannot answer specific questions." For someone who does not know the contours of services that academic law librarians can provide, it might seem like academic law librarians or others with a background in law can provide specific answers to pro se patrons when this actually gets to the gray area of what constitutes an unauthorized practice of law.

Also from this response, it is clear that public libraries do have some resources in their collection catered to pro se patrons; it is good to know there are resources for these

individuals available. For future studies, it will be interesting to explore more about how often these particular resources are used by pro se patrons and which resources these librarians direct these individuals to in the future. This seems to be a ripe area for further exploration.

1.2 Academic Law Librarians

Academic librarians at law schools in North Carolina were the ones who responded the most to this survey, and the breakdown of the number of law librarians from each university who participated is represented below in Figure 1. This section will discuss the responses by each librarian grouped into topical themes.

Figure 1

Library Name	Number of Respondents
Duke University School of Law Goodson Law Library (Duke)	3
University of North Carolina at Chapel Hill School of Law Kathrine R. Everett Law Library (UNC-CH)	5
Wake Forest University School of Law Professional Center Library (Wake Forest)	2
Elon University School of Law Carol Grotnes Belk Law Library (Elon)	2

1.2.1 Policies for Pro Se Litigants

Of the respondents, 3 of the 6 (50%) academic law libraries in North Carolina had librarians indicate that they had explicitly accounted for pro se patrons in their library policies or mission statements. While having a policy regarding pro se patrons has not been an issue that has been documented in the literature as of yet, this author believes that it is important for prospective library users such as pro se patrons to know from doing some basic research whether or not they will be allowed in a specific academic library and what resources are offered. These policies are also helpful in discerning more about *how* and *what* services will be provided by the law library.

While the library policy or mission statement might not be something that a potential pro se patron would even look at when deciding where they can go to gather more information, it does make a subjective difference in how welcomed these individuals might feel at the academic law library—especially if they are already feeling out of their element with the help that they are asking for. Below is more detailed information about the policies for each of the academic law libraries in North Carolina.

1.2.1.1 Campbell University's School of Law Norman Adrian Wiggins Law Library (Campbell)

There were no respondents from the Campbell Law Library, and the reason for this is because they are not open to the public. Because of this, they do not interact with pro se patrons. The full details of this are available on their law library website available at this link: <http://law-campbell.libguides.com/policies>.

1.2.1.2 North Carolina Central School of Law Library (Central)

North Carolina Central's School of Law Library is open to the public, but no academic law librarians responded to this survey. Despite this, this author felt that it was important to represent the policies of Central's Law Library, and the link to the law library's policies is available here: <http://www.nccu.edu/law/library/about/policies.cfm>.

1.2.1.3 Duke University's School of Law Michael J. Goodson Law Library (Duke)

There were 3 respondents from the Duke University's School of Law Michael J. Goodson Law Library. From these responses, while there is no written policy for interactions with pro se patrons, the understanding throughout this institution is that librarians can help with use of the collections by locating information, identifying relevant resources, developing search strategies for catalogs, databases, the web, and other indexes along with general legal research methodology. However, beyond that, they cannot help with legal research or provide legal advice to these individuals, since that would constitute the practice of law.

1.2.1.4 University of North Carolina at Chapel Hill School of Law Kathrine R. Everett Law Library (UNC-CH)

There were 5 respondents from the University of North Carolina's School of Law Kathrine R. Everett Law Library. There was a wide variety of responses from this set of librarians ranging from no policy to more specific answers. One overarching theme that appeared throughout these responses is that they cannot provide legal advice to these patrons. Out of all the academic law libraries that responded to this survey, this library

had the most integrated policy. As a part of their mission statement, they state that they are open to the public and “serve the legal information needs of . . . the residents of North Carolina.” The majority of the responses to this statement clarified that this included pro se patrons.

1.2.1.5 Wake Forest University School of Law Professional Center of Law Library (Wake Forest)

There were 2 respondents from the Wake Forest University School of Law Professional Center Law Library. The respondents expressed similar views to each other and echoed many of the same statements that were provided by the other libraries. They are also open to the public and cannot provide legal advice. One distinction that these respondents made in their responses compared to other law schools, such as Duke and UNC-CH, was that they allow pro se patrons access to print materials and the copier. This is an important distinction, since from the responses provided by Duke and UNC-CH’s law librarians there is also access to electronic and print resources. Indeed, Mattoli (2018) argues that for libraries such as these, where print materials are all that patrons have access to, it is increasingly important to be cognizant of collecting print materials so that pro se litigants can continue to have access to these legal materials.

1.2.1.6 Elon University School of Law Carol Grotnes Belk Law Library (Elon)

There were 2 respondents from the Elon University School of Law Carol Grotnes Belk Law Library. Again, many of the same statements made by other academic law libraries were echoed. These law librarians are not allowed to give legal advice, and

while they do not have a specific policy regarding pro se patrons, they do have a policy regarding public patrons. This policy states that these patrons are allowed access to the library Monday through Friday, 9 am to 6 pm, and can receive help in accessing materials. However, they are not allowed to do research for these patrons and cannot provide legal counsel.

1.2.2 Working with Pro Se Patrons

All but 1 of the 12 respondents for academic law libraries had worked with pro se patrons during their time as a librarian. Out of the 11 remaining librarians who had worked with pro se patrons, 10 (90%) indicated that they worked with pro se patrons sometimes, but 1 person responded that they often worked with pro se patrons.

When sharing their experiences about working with pro se patrons, it was surprisingly to see how similar the experiences that academic law librarians had working with pro se patrons were despite the fact that they were situated at different universities in different areas of North Carolina. One response in particular expresses this quite well: “Every pro se patron is different and comes to the law library with his or her own unique legal research needs.” This same sentiment was indicated throughout the responses here.

The interactions with these patrons are conducted by email, phone, or a personal visit if that library is open to public patrons. The types of questions that are asked by these patrons can range from asking where to find certain forms to finding case law or other materials. A common strategy among the academic law librarians surveyed is starting with a secondary source, most commonly *Strong’s North Carolina Index*, and

then using that to enable patrons to guide themselves to the relevant statute or cases. One academic law librarian remarked that it was easier to work with pro se patrons who were researching criminal law matters, since these individuals could be directed to the North Carolina Office of Indigent Defense Services (NCIDS) or the University of North Carolina at Chapel Hill School of Government blog. The civil matters were more challenging, since no clear-cut resources are used. In particular, these individuals are directed to North Carolina practice materials such as Douglas Forms, the Manual of Complaints, and the NC Practice Series.

In regards to the resources that are available to pro se patrons, these academic librarians were forthright in admitting that while pro se patrons are not at the forefront of their minds when they are purchasing items for the collection, most of these academic libraries have many resources for these patrons. The majority of the law libraries have NOLO materials (these are materials that provide general “do-it-yourself” guidance for specific, simple areas of law) and many have simplified legal research materials. While some of these academic law libraries only provide pro se patrons access to print materials, like Duke and Wake Forest, other academic law libraries like UNC-CH and Elon allow pro se patrons access to certain online materials, such as Westlaw, LexisAcademic, Legal Trac, and FastCase. If pro se patrons are allowed access to online materials, they are given a password with a limited amount of time to use these resources on a library terminal computer. Some of the databases, like Legal Trac and FastCase, typically do not require logins.

One common theme that was strongly apparent throughout these responses was that working with pro se patrons can widely vary. Some pro se patrons have relatively simple questions and are easier to work with, while others are more challenging due to the complex nature and high stakes of their legal questions. A common statement throughout these responses was that many of the librarians who worked with these patrons recognized that these individuals actually needed the advice of an attorney to help them. Because of this, it is sometimes difficult for these librarians to help these patrons, since the pro se patrons have difficulty understanding the fine line between how much help that librarians can provide without crossing the line to becoming their lawyer.

These responses mesh very well with what the literature has already demonstrated so far, but what is expressed here that has not been demonstrated in literature this author has come across is how there are also similarities in search strategies for working with these patrons. The process that many of these academic librarians cited in their responses is very similar to the research process that law students are taught during their first year curriculum in legal research and writing courses. On its own, this is not that significant, but it demonstrates that these individuals who are representing themselves are conducting research at an extremely high level in a matter that they know nothing about. This emphasizes that perhaps the best way academic law librarians can help these patrons is by helping them help themselves: providing them good starting places for conducting research and having accessible secondary sources as well as other materials available.

1.2.3 Meeting the Needs of Pro Se Patrons

As the literature has shown, many pro se litigants are seen as the lowest tier of service by academic law libraries (Reis, 2010). This means that when serving their patrons, academic law librarians prioritize the needs of faculty, students, and staff at the institution instead of the public, which includes pro se patrons. Sadly, this is still a reality in North Carolina academic law libraries, since, as these responses indicated, for many of the academic law libraries in North Carolina, pro se patrons are typically seen as those on the lowest tier of service.

However, even though many academic law librarians noted that pro se patrons are not their primary patron, they also made a point to state that they try to treat everyone the same regardless of who they are. One librarian expresses this sentiment particularly well: “In most cases, though, an objective observer couldn’t tell what tier of patron we were serving.” This is particularly reassuring to see considering the history of how librarians used to treat and view pro se patrons as individuals who should simply be excluded from the library so that they don’t have to be dealt with at all. (Begg, 1976).

Another issue academic law librarians had in their interactions with pro se litigants that was highlighted in the literature was a constant fear of committing unauthorized practice of law (UPL). (Richmond, 2003). For some librarians with a law degree, this fear was so great that it interfered with their services to pro se patrons. However, the academic law librarians here reported quite the opposite. Of the academic law librarians surveyed, 10 out of the 12 (83.3%) indicated that they had a degree in law, and all of these individuals stated that they felt very little to no concern at all about

committing an unauthorized practice of law. They all indicated to some degree that they knew the line and how not to cross it.

However, these librarians did express more concern about an unsatisfied patron accusing them of committing an unauthorized practice of law, rather than stepping over the line themselves. The majority of respondents wrote that if they were concerned a conversation with a pro se litigant was heading in that direction, then they would either provide a number for the NC Bar Lawyer Referral or they would suggest the patron consult with an attorney.

As for actually meeting the needs of the pro se patrons that the academic law librarians surveyed worked with, 9 of the 11 respondents (81%) indicated that they felt that they *sometimes* were unable to meet their needs. However, 2 of the respondents indicated that they *often* felt they were unable to meet the needs of these patrons. When taking into account the varied experiences these academic law librarians reported having with these pro se patrons in general, it makes sense that they would feel that sometimes they are able to meet these patrons' needs while at other times they fall more than short of the mark.

Finally, in regard to whether pro se patrons could physically access the library, nearly all the academic law librarians indicated that they were open during the weekdays during typical business hours. Only the UNC-CH School of Law Library was open to pro se patrons on the weekends. However, even though all these libraries are open to the public, the majority of the parking spots must be paid for, and furthermore, many of the parking lots are not necessarily close to the law school. These limitations are consistent

with what the literature cites as why academic law libraries are not the most ideal institutions for pro se litigants to seek help with their legal research. Such limitations also highlight the need for pro se patrons to not only have access to a library but to have access to a library that is available to them within their schedule and does not make them pay or struggle to find parking.

1.2.4 Community Collaboration

Despite some of the collaborations between academic law libraries and the community that are cited in the literature (Miller, 2012), many of the academic law librarians noted that there is little to no collaboration among other libraries in the state or between each other. One academic librarian from Duke responded that sometimes they will refer pro se patrons to one of the public academic law libraries in the area, since they do have public funds as a part of their budget. Other academic law libraries indicated that they would often receive calls from public librarians who had patron questions. Lastly, one academic law librarian stated that prison inmates can request materials via letters.

The only libraries that indicated that they have collaboration with the broader community and public libraries in general was Kathrine R. Everett Law Library. They have recently begun an initiative to train public librarians on basic legal resources and topics so that they can more effectively provide services for patrons that come to public libraries. This collaboration is similar to successful stories that are cited in the literature like Johnson (2011) with the Sacramento Self Help Center that involved a collaboration

between the courthouse, the local law library, and the state Bar Association. If there is one area for growth that has been identified in this study, it is that there is certainly more room in the future for collaboration between academic law libraries and other institutions.

However, except for the UNC-CH and North Carolina Central University School of Law, all the other academic law libraries in North Carolina are considered private law libraries. As private law libraries, it is not as embedded in their policies or mission to serve the public as it is other public institutions in the state. Because of this, this presents a challenge for collaboration in North Carolina, and much of the burden for further collaboration will likely fall on UNC-CH's law library simply because it is open to the public.

1.2.5 Gaps in Service

In response to any perceived gaps in service to pro se patrons, the respondents provided a wide variety of answers ranging from "scanning and copying services can be tough" to "I don't see gaps in our services." All things considered though, the most common response to this question was twofold: (1) pro se patrons have trouble understanding what academic law libraries can do and offer and (2) many academic law librarians simply are not equipped to give these pro se patrons the time and assistance that they need to adequately conduct the research they need to.

In response to the first prong of responses, many academic librarians elaborated that sometimes pro se patrons just do not have an understanding of how the legal system works, and because it is not within the scope of the academic law library to teach this to

patrons, this can be a difficult situation to handle. One academic law librarian wrote that it would be easiest if there were online and in-person tools to guide them through common legal processes or just general legal resources. This is one potential solution that should be explored further in the future, since this is a problem that could easily be resolved by providing more resources that could answer these questions.

For the second prong of responses above, a few librarians responded that they did not have any referral services beyond the library. With the current setup for these law libraries in North Carolina, the most that can be done is sending these individuals to Legal Aid Organizations that might be able to help them. One academic law librarian even expressed how they wished that there was a licensed attorney that they could send these individuals to. Another librarian highlighted the fact that while they might be able to give pro se patrons certain phone numbers, they never know whether they will actually be of use to these individuals.

One librarian provided a particularly interesting response about a service in North Carolina that is working with pro se litigants outside the context of libraries:

I know of a service at the Mecklenburg County courthouse that provides pro se litigants with access to many of their basic forms and materials. I'd like to see us carry those forms, so that patrons can use our legal materials in conjunction with filling out those forms. For example, I believe the courthouse has basic complaint forms for family law court. We could have those on file, and then give our patrons access to the family law materials to use while completing their forms.

This proposal is brilliant in that it addresses a key gap in the library's service and then proposes an answer that involves community collaboration as a solution to it. This is one way that this potential solution can be explored in the future.

1.2.6 What Public Law Libraries Could Do to Fill These Gaps

As there are no public law libraries in North Carolina, a major objective of this study was to explore whether public and academic law librarians felt that any of the gaps in service they were experiencing could be fixed by the presence of a public law library. When asked about public law libraries, 11 out of 12 (91.27%) academic law librarians stated that they had previously heard of public law libraries, and from these respondents, there were a variety of responses about the gaps that they perceived for pro se litigants in their legal research needs in North Carolina.

The majority of respondents highlighted the primary gap in service to pro se patrons in North Carolina is that these individuals have to rely on academic law libraries and public libraries, rather than public law libraries. One academic law librarian responded that they were practicing in what was technically a public law library, but because their focus was on academics rather than the public, these types of services were not supported as fully as they could be. As indicated by these respondents, public law libraries would better meet the needs of pro se patrons by being more accessible, having more relevant resources for them, (like general information legal materials), having common forms available, and the general environment would be “much more targeted to the pro se patron in layout, resources, and materials.”

One academic law librarian poignantly pointed out a fairly significant gap: this librarian had heard patrons say that they do not have access to the annotated state code, which is available in a print version at the library but not online. For someone like a pro

se patron who has little to no understanding of the law, these annotated versions are practical and necessary. However, because of some of the difficulties like parking or having access to the building during weekday hours, it is not likely that many North Carolinians can say that they have reasonable access to these resources.

From these responses, it is clear that there are gaps for North Carolina pro se litigants in not only how they access information but also what information they can access and whether they have the adequate support to find what they are looking for. These are all considerations for future research.

1.2.7 Recommendations for Future Service

When asked about the different ways that North Carolina libraries can better meet the needs of pro se patrons, there were a couple different responses that had the following themes: (1) providing more referral services; (2) creating more website resources and LibGuides specifically for pro se patrons; and (3) providing classes that can teach pro se litigants how to conduct legal research.

In regards to providing more referral resources, the biggest recommendation was providing a list of free/reduced-cost legal service organizations, since many of these academic law librarians recognized that what many individuals need is the advice of an attorney who provides services at a free or reduced cost. These ready-to-go resources with attorney names would save a great deal of time on the part of the academic law librarians, since they would not have to research organizations and attorneys over and over again. Indeed, these librarians could even have at the ready a “tool-kit” that these

patrons could use to frame their legal research strategy. Another potential solution would be collaborating with more institutions in the community, since it would allow these groups to share their knowledge and resources with each other to provide overall better collective services.

The second suggestion from academic law librarians was to create a page on the law library website and/or a LibGuide specifically for pro se patrons. There were a couple ways that this could be done. One suggestion specifically for the law library website was to make explicit information regarding pro se access to the library. This could be done in a number of ways: by stating accessible library hours, resources available to these individuals—both online and in print—and any referral resources in the community. From this survey, it is clear that these libraries have different levels of publicity with their policies regarding pro se patrons, and by making these policies clear to the public, this could help these patrons save time by knowing what is available and moving forward from there. These explicit policies and resources could also take the form of a LibGuide for pro se patrons, since it could serve as the “one stop shop” for beginning their legal research. While implementing these changes might take a lot of time initially, the benefits of such a resource would be lasting.

Although only one respondent suggested it directly, the final theme apparent in these responses was that there should be free classes on how to conduct legal research for these types of patrons and, additionally, “sessions” where individuals can consult with reference librarians about what to do. It was also suggested that public libraries might be able to do more to enhance their collections with pro se patrons in mind. Since only one

public librarian responded to this survey, it would be helpful to further explore in the future what services public libraries in North Carolina are offering to these types of patrons.

When asked whether academic law librarians foresaw their services to pro se patrons changing in the future, an overwhelming majority of the librarians stated that they did not. Part of the reason for this is because, as many of the respondents indicated, these institutions are academic law libraries, and therefore, pro se patrons are not their primary patron base. Furthermore, many of these institutions are private academic law libraries, and because of the nature of such libraries, public access and services to pro se patrons are even more limited than the service at a public academic law libraries like UNC-CH.

Some academic law librarians suggested that the biggest change they foresaw for the future was expanding online access to their pro se patrons. One academic law librarian even suggested that there might be fewer pro se patrons that cross the library doors because they will be able to rely on finding more information on the Internet. The responses to pro se patrons finding the resources they need on the Internet were mixed; some individuals were excited about the idea of pro se patrons gaining more independence in their research, while others were concerned about the ability of these patrons to find reliable resources. One librarian gave the hopeful thought that there would be more collaboration with public libraries or other peers to help provide a more well-rounded experience for pro se patrons regardless of where they go for help with legal research. Despite these varied responses, only time will tell how these patron needs will be met.

Conclusion

The past two decades have shown an increase in the number of people who are representing themselves in a legal matter, and this is no less true for North Carolina.

Although it is not the only state that is this way, North Carolina has many limitations for pro se litigants in how they can conduct their research. One of the most noticeable

limitations for pro se litigants in North Carolina is the absence of public law libraries.

This was not always the case, since a quick search on the Internet shows the ghost of courthouse libraries that existed in a few counties. However, with the closure of these courthouse libraries, public law libraries, which are the libraries best suited to meeting the needs of pro se patrons, are no more, and instead, public libraries and academic law libraries are the libraries that remain to meet the needs of these individuals.

While this study was incredibly limited in regards to the perspective of public librarians, this study was able to collect the perspective of academic law librarians across all the law schools in North Carolina that are open to the public. As this study demonstrates, North Carolina's academic law libraries are doing a decent job of meeting these patrons. Many of the obstacles in the literature are areas that the academic law librarians responded as having to overcome, such as having clear policies regarding pro se litigants and not allowing unauthorized practice of law to interfere with their service to pro se patrons.

As with anything though, there is always room for improvement. While library hours and location are not things that can easily be changed, the clearest areas for growth are in creating web pages and LibGuides with resources for pro se patrons and in engagement in community collaboration. Of these areas for growth, engaging in community collaboration is perhaps the most important due to the discussion it would spur among professionals for a unified approach to serving pro ses. Only one academic law library indicated that they were currently working with public librarians to help them learn about legal research and how to more effectively assist pro se patrons. The remaining academic law libraries did not indicate such collaboration, and furthermore, these same libraries indicated that they did not see their policies for working with pro se patrons changing into the future. Part of this was because pro se patrons are not their primary patrons, and another part is because these same academic law libraries are private, so serving members of the public is not their primary mission. If these libraries are not going to change how they collaborate with the community, then it is clear that there needs to be more efforts like those of the public academic law library that is teaching public librarians skills to better assist pro se patrons. This is the only way that this particular gap can be filled.

As this study has identified, the absence of public law libraries in North Carolina has had an impact on the ability of pro se patrons to conduct legal research and the abilities of these librarians to meet their needs. Since it is not likely that the funding for these libraries will be reinstated, it is important for the remaining librarians and libraries in North Carolina to make do with what is available. By improving upon these areas for

growth, hopefully some of these gaps in service to pro se patrons will be filled, and a pro se patron's access to justice will be on a more level playing field than it was before.

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Appendix A

Email Sent to Public Librarians, Academic Law Librarians, or Listservs for Recruitment Purposes

Dear **[insert name of person here]**:

I am a dual-degree student studying law and library science at the University of North Carolina at Chapel Hill. I am in my final year of the program and working on writing my Master's paper, which is part of my requirement for completing my degree in library science.

For my Master's paper I am conducting a research study to explore how pro se litigants (individuals who are representing themselves in court) conduct legal research and how the libraries in North Carolina are meeting these needs.

I am reaching out to see if you would be willing to be a part of this study by completing a short, one-time online survey that asks you about your experiences working with pro se patrons and to learn of any recommendations you have that might facilitate better service for these patrons in the future. If you are a public or academic law librarian, you are eligible to participate in this study. This online survey should take no more than 15-20 minutes of your time.

If you are interested in completing this online survey, all you need to do is follow [this link](#). When you follow the link to this survey, you will be asked to give your consent to participate, and upon accepting, the survey will begin. However, should you wish to end your participation at any point in the survey, you are free to do so without any consequences. There is no financial compensation for your participation in this survey.

This study has been approved by IRB # **[insert number here]**, and if you have questions or concerns about your rights as a research subject, you may contact the UNC Institutional Review Board at 919-966-3113 or by email to IRB_subjects@unc.edu. Please email Jasmine Plott at jplott@live.unc.edu if you have any questions or concerns about participating in this study.

Thank you for your time and consideration!

Appendix B

Pursuing Pro Se Litigants in North Carolina: How They Access Legal Information and Libraries' Roles

Start of Block: Acknowledgment of Consent

Q1 The purpose of this research study is to explore how the legal research needs of pro se litigants in North Carolina are being met. While other states have public law libraries which pro se litigants rely upon heavily for their research needs, North Carolina does not have this type of library. Because of this, pro se litigants have to rely on academic law libraries or public libraries to conduct their legal research, and neither of these libraries are perfectly tailored to meet the needs of pro se litigants like public law libraries are. You are being asked to take part in a research study because you are either currently a librarian at an academic law library in North Carolina or a librarian at a public law library in North Carolina.

Being in a research study is completely voluntary. You can choose not to be in this research study. You can also say yes now and change your mind later. If you agree to take part in this research, you will be asked to answer the questions in this survey. Your participation in this study will take about 15-20 minutes total. We expect that 20-25 individuals will take part in this research study. You can choose not to answer any question you do not wish to answer. You can also choose to stop taking the survey at any time. You must be at least 18 years old to participate. If you are younger than 18 years old, please stop now. There are no known risks or discomforts associated with participating in this study.

While you will not receive any direct benefit from participating in this study, your responses can provide the information necessary to better understand how to meet the needs of pro se litigants in North Carolina. To protect your identity as a research subject, your name and other information will not be shared with anyone or in any publications associated with this study. If you have any questions about this research, please contact

the Investigator named at the top of this form by emailing jplott@live.unc.edu. This study was approved by IRB #18-5123. If you have questions or concerns about your rights as a research subject, you may contact the UNC Institutional Review Board at 919-966-3113 or by email to IRB_subjects@unc.edu.

- ☐ By checking this box, I am acknowledging that I have read this text and am consenting to participate in this study. (1)

End of Block: Acknowledgment of Consent

Start of Block: Survey Questions

Q3 Are you a librarian in North Carolina?

- ☐ Yes (1)
- ☐ No (2)

Skip To: End of Survey If Are you a librarian in North Carolina? = No

Q4 Are you a public librarian or an academic law librarian?

- ☐ Public librarian (1)
- ☐ Academic law librarian (2)

Skip To: Q36 If Are you a public librarian or an academic law librarian? = Academic law librarian

Q5 What is the name of the library where you are employed?

Q6 Do you know what a pro se patron is?

☐ Yes (1)

☐ No (2)

Skip To: End of Survey If Do you know what a pro se patron is? = No

Q7 What, if any, policy does your library have about working with pro se patrons and what does it say?

Q8 Have you ever worked with a pro se patron before?

☐ Yes (1)

☐ No (2)

Skip To: Q12 If Have you ever worked with a pro se patron before? = No

Q9 How often do you work with pro se patrons?

☐ Always (1)

☐ Often (2)

☐ Sometimes (3)

☐ Never (4)

Q10 How often do you find are unable to meet the needs of pro se patrons?

- ☐ Always (1)
- ☐ Often (2)
- ☐ Sometimes (3)
- ☐ Never (4)
-

Q11 Describe some of your experiences working with pro se patrons.

Q12 What resources do you have available for pro se patrons to use in your library?

Q13 What collaborations, if any, do you have with other institutions (e.g., courts, academic law libraries) for working with pro se patrons?

Q14 What do you see as the biggest gaps in your services that you offer to pro se patrons?

Q15 Do you know what a public law library is?

- ☐ Yes (1)
- ☐ No (2)

Skip To: Q17 If Do you know what a public law library is? = No

Q16 What gaps do you think exist because there are no public law libraries in North Carolina?

Q17 What recommendations do you have for libraries in North Carolina as to how they can better meet the needs of pro se patrons?

Q18 How do you see your services to pro se patrons changing in the future?

Skip To: End of Survey If How do you see your services to pro se patrons changing in the future? Is Displayed

Q36 What is the name of the library where you are currently employed?

Q19 What, if any, policy does your library have about working with pro se patrons and what does it say?

Q20 Have you ever worked with a pro se patron?

☐ Yes (1)

☐ No (2)

Skip To: Q24 If Have you ever worked with a pro se patron? = No

Q21 How often do you work with pro se patrons?

- ☐ Always (1)
- ☐ Often (2)
- ☐ Sometimes (3)
- ☐ Never (4)
-

Q22 Describe your experiences working with pro se patrons.

Q23 How often do you find that you are unable to meet the needs of pro se patrons?

- ☐ Always (1)
- ☐ Often (2)
- ☐ Sometimes (3)
- ☐ Never (4)
-

Q24 Describe how accessible your law library is to pro se patrons (ex: is there readily available parking, what types of hours are they allowed in, etc.).

Q25 What “tier” of service do pro se patrons fall into in this library?

Q26 What resources do you have available for pro se patrons to use in your library?

Q27 Do you have a degree in law?

☐ Yes (1)

☐ No (2)

Skip To: Q29 If Do you have a degree in law? = No

Q28 How concerned are you about committing an unauthorized practice of law?

Q29 What collaborations, if any, do you have with other institutions (e.g., courts, public law libraries) for working with pro se patrons?

Q30 What do you see as the biggest gaps in the services that you offer to pro se patrons?

Q31 Have you ever heard of public law libraries?

☐ Yes (1)

☐ No (2)

Skip To: Q33 If Have you ever heard of public law libraries? = No

Q32 What gaps do you think exist for services to pro se patrons because there are no public law libraries in North Carolina?

Q33 What recommendations do you have for libraries in North Carolina as to how they can better meet the needs of pro se patrons?

Q34 How do you see your services to pro se patrons changing in the future?

Q35 You have finished this survey! Thank you for your time, and if you have any questions, please reach out to the primary investigator Jasmine Plott at jplott@live.unc.edu.

End of Block: Survey Questions